

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RITCHARD YANOWITZ,

Plaintiff,

- against -

DIVATEX HOME FASHION, INC.,

Defendant.

15 Civ. 807 (KBF)

DIVATEX HOME FASHION, INC.,

Counterclaim Plaintiff,

- against -

RITCHARD YANOWITZ and
BRANDON YANOWITZ,

Counterclaim Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of Anne C. Patin, Esq., dated April 27, 2015, the accompanying memorandum of law dated April 27, 2015, and upon all prior pleadings and proceedings herein, Defendant-Counterclaim Plaintiff Divatex Home Fashion, Inc. (“Divatex”) shall move this Court before the Honorable Katherine B. Forrest, at such time as counsel may be heard, for an order pursuant to Federal Rule of Civil Procedure 56(d) deferring or denying consideration of Plaintiff-Counterclaim Defendant Ritchard Yanowitz’s (“Plaintiff”) Motion for Summary Judgment and allowing Divatex to take discovery relevant to Plaintiff’s Complaint and Divatex’s counterclaims.

New York, New York
April 27, 2015

SEWARD & KISSEL LLP

By: /s Anne C. Patin

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